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REMARKS

Claims 4, 6, and 9-21 remain in the application including independent claims 4, 6, 9, 16, and 17. Claims 6 and 16 are allowed. Claims 1-3, 5, 7, and 8 have been cancelled. Claims 4 and 17 have been re-written in independent form to include all of the limitations of the base claim and any intervening claims.

The specification stands objected to for failing to provide proper antecedent basis for the terms "base member" in claim 6. Claim 6 has been amended to change "member" to "portion." Applicant believes that all objections to the specification have now been overcome.

Claims 18 and 19 have been amended to overcome the objections indicated by the Examiner. Specifically a typographical error in claim 18 was corrected to indicate that the dependency of claim 18 was not to itself but to claim 17.

Claims 1-5, 7, 8, and 17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite with specific rejections to claims 1, 2, and 3. Claims 1-3 have been cancelled. Claim 4, which was dependent from claim 3, 2, and 1 has been re-written in independent form and has been amended to address the 35 U.S.C. 112, second paragraph, rejections for claims 1-3. Claim 17, which was dependent from claim 1 has been re-written in independent form and has been amended to address the 35 U.S.C. 112, second paragraph, rejections for claim 1. Applicant believes that all claim objections and 35 U.S.C. 112 rejections have now been overcome.

Claims 1-3, 7, 8, 18, and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by EP 0044377. This rejection is moot in light of the above discussed amendments. Claims 1-3, 7, and 7 have been cancelled. Claim 18 has been amended to correct its dependency from claim 18 to

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claim 17. EP 0044377 does not anticipate claim 17, thus, claim 18 and 19 cannot be anticipated by EP 0044377.

Claims 1-5, 7-15 and 17-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by the newly discovered reference Majewski. Claim 4 includes an anchor pin pivotally mounting one end of the mounting member to the brake spider with the anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from the body to define a pivot axis in combination with a retainer clip attached to the mounting member and cooperating with both of the pin ends wherein the retainer clip, the anchor pin, and the mounting member are all rotated about the pivot axis during brake actuation.

Majewski clearly does not teach this combination of features. The examiner argues that Majewski teaches a mounting member 31, 32, and anchor pin 20, 22, and a retainer clip 40. As clearly shown in the Figures and described in the text of the Majewski references, the anchor pins are indicated at 15 and are not component 20, 22. Component 20 is a cam follower that cooperates with brake actuator cam 19 and is positioned at an end of the brake shoe opposite from that of the anchor pin 15. "A cam 19 is mounted for rotary movement between the adjacent ends of the brake shoes 14 opposite from the anchor pins 15. The brake shoes 14 are each provided with a roller-type cam follower 20." See column 2, lines 46-50. Thus, Majewski does not teach a brake assembly where the retainer clip, the anchor pin, and the mounting member are all rotated about the pivot axis during brake actuation as defined by Applicant in claim 4.

Further, while it is well settled that terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by one of ordinary skill in the art.

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As shown in the Figures and as described in the accompanying subject specification, Applicant's anchor pins 42, 44 are positioned at opposite ends of the brake shoes from the cam actuator 18. One of ordinary skill in the art would not consider element "20" in Majewski to be an anchor pin corresponding to the claimed anchor pin as set forth in claim 4, especially since the Majewski reference repeatedly refers to element "15" as the anchor pin. Under the examiner's interpretation, Majewski cannot pivot about the anchor pin axes as defined in claim 4 because the examiner's anchor pins 20 are at the same end of the brake shoe as the actuator 19. Thus, Majewski does not anticipate claim 4. For similar reasons Majewski also does not anticipate claim 17.

Claim 9 includes a first anchor pin pivotally attaching one end of the first brake shoe to the first mounting portion to define a first pivot axis, a second anchor pin pivotally attaching one end of the second brake shoe to the second mounting portion to define a second pivot axis, an actuator for pivoting opposite ends of the first and second brake shoes about the first and second pivot axes, respectively, during a brake actuation, a first retainer clip cooperating with the first anchor pin to maintain proper contact and orientation between the first anchor pin and the first brake shoe, and a second retainer clip cooperating with the second anchor pin to maintain proper contact and orientation between the second anchor pin and the second brake shoe.

The examiner argues that Majewski teaches first and second anchor pins 20, first and second retainer clips 40, and an actuator 19 and states that the actuator 19 pivots opposite ends of the first and second brake shoes about the first and second pivot axes defined by the anchor pins. Under the examiner's interpretation of Majewski, both the clips 40, anchor pins 20, and actuator 19 are all positioned at the same end of the brake shoes. Thus, the actuator 19 *cannot* pivot *opposite* ends of the brake shoes about the anchor pin pivot axes as claimed by applicant. Thus, for these reasons, in

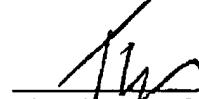
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addition to those discussed above with regard to claim 4, Majewski cannot anticipate claim 9 under 35 U.S.C. 102(b).

Thus, Applicant believes all claims are now in condition for allowance and an indication of such is requested. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for the \$168.00 additional claim fee and any additional fees, or credit the account for any overpayment.

Respectfully submitted,

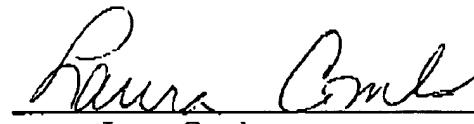


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Dated: January 13, 2003

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9327, on January 13, 2003.



Laura Combs

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APPENDIX A
Claims

(Version With Markings to Show Changes Made)

4. (Twice Amended) [An assembly according to claim 3] A brake shoe assembly comprising:

a brake spider;

a mounting member supported on said brake spider and including an arcuate surface for supporting a brake lining;

an anchor pin pivotally mounting one end of said mounting member to said brake spider, said anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from said body to define a pivot axis; and

a single retainer clip attached to said mounting member and cooperating with both of said pin ends to maintain proper shoe orientation, said retainer clip including a base portion with a connector portion and a pair of legs extending outwardly from opposite ends of said base portion to support said pin ends wherein said retainer clip, said anchor pin, and said mounting member are all rotated about said pivot axis during brake actuation.

6. (Twice Amended) A brake shoe assembly comprising:

a brake spider;

a mounting member supported on said brake spider and including a backing plate with an arcuate surface for supporting a brake lining and a pair of spaced apart webbed flanges;

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an anchor pin pivotally mounting one end of said mounting member to said brake spider, said anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from said body to define a pivot axis wherein said spaced apart webbed flanges extend inwardly from said base plate toward said pivot axis; and

a retainer clip attached to said mounting member and cooperating with said anchor pin to maintain proper shoe orientation wherein said retainer clip includes a base [member] portion with a connector portion and a pair of legs extending outwardly from opposite ends of said base [member] portion to support said pin ends of said anchor pin and wherein said connector portion includes a resiliently biased tab with at least one transversely extending grip for engaging said backing plate between said flanges to retain said clip on said mounting member.

17. (Amended) [An assembly according to claim 1] A brake shoe assembly comprising:
a brake spider;
a mounting member supported on said brake spider and including an arcuate surface for supporting a brake lining;
an anchor pin pivotally mounting one end of said mounting member to said brake, said anchor pin including a cylindrical body with a pair of pin ends extending in opposite directions from said body; and
a single retainer clip attached to said mounting member and cooperating with both of said pin ends to maintain proper shoe orientation wherein said retainer clip, said anchor pin, and said mounting member are all pivotable about a common pivot axis to maintain proper shoe orientation independently from a second brake shoe assembly.

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18. (Amended) An assembly according to claim [18] 17 wherein said retainer clip comprises a base portion integrally formed with a pair of transversely extending legs positioned on opposite sides of said base portion for engagement with said pin ends.

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